



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407
Website: www.dlt.state.ri.us/lrb

OPEN MINUTES **BOARD MEETING**

TIME: 9:00 a.m.
DATE: Tuesday, October 18, 2005
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman
Frank J. Montanaro
Joseph V. Mulvey
John R. Capobianco
Elizabeth S. Dolan
Ellen L. Jordan

BOARD MEMBER ABSENT: Gerald Goldstein

OTHERS PRESENT: Robyn H. Golden, Acting Administrator
Linda L. Esposito, Secretary
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:15 a.m.

All members present reviewed the Open Minutes of the September 13, 2005 Board Meeting. A Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written.

The meeting continued in open session:

Ellen Jordan arrived at 9:20 a.m.

AFFILIATION/MERGER:

1. Case No. EE-3243
Town of New Shoreham & New Shoreham Employees Association, Inc. &
RI Council 94, AFSCME, AFL-CIO

After review of the Employer's Objection to Affiliation Petition, and the Union's Response of Petitioner to the Employer's Objection to Affiliation Petition, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to dismiss the Employer's objection. After discussion, all Board Members present voted in favor of the Motion.

After review and discussion of the documentation for Affiliation/Merger provided by RI Council 94, AFSCME, AFL-CIO, and after consultation with Attorney Margaret Hogan relative to Section 28-7-16(c) of the Labor Relations Act, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to proceed to an election in this matter. All Board Members present voted in favor of the Motion.

MERGER:

1. Case No. EE-2043A
North Kingstown School Committee & North Kingstown Educational
Support Professionals/NEA

After review of the documentation for a Merger of Two (2) Bargaining Units within the Same Affiliation, provided by the North Kingstown Educational Support Professionals/NEA, a Motion was made by Joseph Mulvey and seconded by John Capobianco to accept the Merger Petition filed in this matter and to amend the Certification to reflect the Merger of the two (2) Bargaining Units. After discussion, all Board Members present voted in favor of the Motion.

CONSENT & AFFIDAVIT:

1. Case No. EE-2041
Town of Coventry & RI Council 94, AFSCME, AFL-CIO
Maintenance Worker, part time; Transfer Station Attendant, part time

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the positions of **Maintenance Worker, part-time** and **Transfer Station Attendant, part-time**, shall be and is hereby accreted into the bargaining unit as defined by Certification No. EE-2041. After discussion, all Board Members present voted in favor of the Motion.

CONCLUDED CASES:

1. Case No. ULP-5567
RIBCO & Department of Corrections (*Employer*)

This case was heard formally by Walter Lanni, Joseph Mulvey, John Capobianco and Gerald Goldstein. Frank Montanaro, Elizabeth Dolan, and Ellen Jordan reviewed the transcript and briefs in this matter.

After review, a Motion was made by Joseph Mulvey and seconded by John Capobianco to dismiss the charge filed in this matter. After discussion, Walter Lanni and Frank Montanaro voted in favor of the Motion. Elizabeth Dolan and Ellen Jordan voted against the Motion. Motion passed.

DRAFTED DECISIONS:

1. Case No. ULP-5689
State of Rhode Island & RI Council 94, AFSCME, AFL-CIO

A Motion was made by John Capobianco and seconded by Ellen Jordan to table this matter until the next monthly Board Meeting. All Board Members present voted in favor of the Motion.

2. Case No. ULP-5704
Corrections & RIBCO

A Motion was made by John Capobianco and seconded by Ellen Jordan to table this matter until the next monthly Board Meeting. All Board Members present voted in favor of the Motion.

Frank Montanaro made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges and Miscellaneous Matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Joseph Mulvey, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:00 a.m.

The meeting resumed in open session at 10:05 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICES:

1. Case No. ULP-5769
Newport School Committee & Teachers' Association of Newport (NEARI)

DETERMINATION: issue Complaint and proceed to Formal Hearing.

MISCELLANEOUS MATTERS

1. Case No. ULP-5753
Administration & RI Council 94, AFSCME
(Discussion of whether Maggie can represent the Board in this issue)

DETERMINATION: table this matter until the next Board Meeting on November 8, 2005.

A Motion to adjourn was made by Ellen Jordan, and it was seconded by Joseph Mulvey, and it was unanimously,

VOTED: to adjourn the meeting at 10:10 a.m.